

REMARKS

Claims 1-104 are pending in this application. By this Amendment, Applicant has amended claims 26, 42, 78 and 94 and added new claim 105. Reconsideration of the above-identified application in view of the foregoing amendments and the following remarks is respectfully requested.

Objections to the Specification:

The disclosure has been objected to because “reference characters ‘400’ and ‘300’ have both been used to designate ‘access point’, see figure 1, and specification page 5, lines 19-21.” Applicant has amended the specification in this regard and respectfully requests that the foregoing objection be withdrawn.

Rejections Under 35 U.S.C. § 103:

Claims 1-9, 12-34, 38-62, 65-86 and 90-104 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,815,086 to Ivie et al. ("Ivie") in view of U.S. Patent No. 6,020,881 to Naughton et al. ("Naughton"). Claims 10, 11, 35-37, 63, 64 and 87-89 are rejected under 35 U.S. C. 103(a) as being unpatentable over Ivie in view of Naughton as applied to claims 1-9, 12-34, 38-62, 65-86 and 90-104, and further in view of U.S. Patent No. 6,211,870 to Foster ("Foster"). Claims 1, 15, 17, 20, 23, 26, 38, 39, 42, 47, 49, 53, 67, 72, 75, 78, 90, 91, 94 and 99 are independent.

Claim 1:

Applicant's invention, as defined by claim 1, is directed to a "method for enabling a user of a wireless terminal to control a ubiquitous device, comprising: receiving information concerning a location of the wireless terminal; and transmitting for display on the wireless

terminal data associated with an access point within whose operating range the wireless terminal is located, wherein the data includes a map representative of an area associated with the access point and a user-selectable object representative of a ubiquitous device from the area for display on the map."

Ivie is directed to a system and method for retrofitting appliances for use with a home automation system. In Ivie, a conventional appliance (10/14) is coupled to a transmitter (106/130), which, together with receivers (162/130), are coupled to a signal carrying bus 104. A user of the system can then control an appliance from a hand-held transmitter 230 regardless of where the appliance is located within the home by transmitting a control signal to the receiver, which relays it via bus 104 to the transmitter, which, in turn, transmits the control signal to the appliance. By depressing one of the device selection keys 246 on transmitter 230, a user can display the user interface for the selected device for use in controlling that device.

Naughton is directed to a hand-held device that stores a user interface comprising a world of Spaces organized into a geographic map structure. The user can navigate through these Spaces until finding a map corresponding to a Space of interest to him. Within each Space, the user interface provides graphic objects that the user can select and manipulate. The graphic objects are identifiable as real world types of devices such as televisions, VCRs, etc. Upon selection of a graphic object, the hand held device displays a user interface that enables the user to control the selected device.

In the Office Action, it is stated that all of the elements of claim 1 are shown by Ivie except for the claimed feature of "the data includes a map representative of an area associated with the access point and a user-selectable object representative of a ubiquitous device from the area for display on the map". However, Applicant respectfully submits that Ivie also

does not show the feature of "transmitting for display on the wireless terminal data associated with an access point within whose operating range the wireless terminal is located", as also required by claim 1. More specifically, Ivie does not teach or suggest transmitting any information based on the location of transmitter 230 for display thereon. Although "a programming key is provided to allow the hand-held transmitter to receive programming from an external source through a plug (not illustrated)" (Ivie, 10/43-45), the programming is not based on the location of the wireless terminal or, in other words, is not "data associated with an access point within whose operating range the wireless terminal is located", as required by claim 1.

For at least the foregoing reasons, Applicant respectfully submits that a prima facie case of obviousness has not been established with respect to claim 1 and requests that the rejection be withdrawn.

In addition, however, with respect to the feature of "the data includes a map representative of an area associated with the access point and a user-selectable object representative of a ubiquitous device from the area for display on the map", Applicant respectfully submits that there is no motivation to modify Ivie in view of Naughton in the manner suggested in the Office Action to include this feature, and that doing so would not arrive at the claimed invention. First, for the same reasons discussed above, in Ivie, no user interface, let alone a map, based on a location of hand-held transmitter 230 is transmitted to it for display thereon. Second, in Naughton, the world of Spaces transmitted for display on device 170 is not based on location of device 170; rather, in Naughton, the whole world of Spaces organized into a geographic map structure is stored in the device 170 and the user simply navigates through the structure until displaying a Space of interest to him.

For the foregoing reasons, Applicant respectfully submits that claim 1 is patentable over Ivie in view of Naughton. Claims 20, 53 and 72 and claims 26, 42, 78 and 94, as amended, contain limitations similar to claim 1 and are allowable for at least the same reasons as set forth above in urging the allowance of claim 1.

Claim 15:

Applicant's invention, as defined by claim 15, is directed to a method for enabling a user of a wireless terminal to control a ubiquitous device, comprising: receiving information concerning an access point within whose operating range the wireless terminal is located; and transmitting for display on the wireless terminal a list of ubiquitous devices associated with the access point.

The Office Action relies on Ivie, 11/1-27, for claim 15's feature of "transmitting for display on the wireless terminal a list of ubiquitous devices associated with the access point". Contrary to the Office action, however, the cited passage of Ivie does not teach or suggest the claimed feature. Rather, the table therein merely correlates each device (e.g., TV1, TV2, VCR, etc.) that a user may select by depressing one of the device selection switches 246 on hand-held transmitter 230 with the figure in the patent (e.g. 5A-5H) that illustrates the particular user interface that will appear on display 240 in response to the user's selection. Ivie neither teaches nor suggests that this table or any list is "transmitt[ed] for display on the wireless terminal" or that it is a "list of ubiquitous devices associated with the access point [within whose operating range the wireless terminal is located]", as required by claim 15.

For the foregoing reasons, Applicant respectfully submits that claim 15 is patentable over Ivie in view of Naughton. Claims 38, 67 and 90, contain limitations similar to

claim 15 and are allowable for at least the same reasons as set forth above in urging the allowance of claim 15.

Claim 17:

Claim 17 is directed to "a method for enabling a user of a wireless terminal located within the operating range of a first access point to control a ubiquitous device associated with a second access point, comprising: receiving a request for an identification of ubiquitous devices associated with the second access point; and transmitting an identification of a ubiquitous device associated with the second access point for display on the wireless terminal."

Applicant respectfully submits that although a user in Ivie can control numerous appliances from the hand-held transmitter 230 regardless of where the appliances are located in the home, there is no teaching or suggestion in Ivie of "receiving a request for an identification of ubiquitous devices associated with the second access point; and transmitting an identification of a ubiquitous device associated with the second access point for display on the wireless terminal", as required by claim 17. Rather, in Ivie, all of the the appliances that can be controlled are all known to the user by virtue of the device selection switches 246 of hand-held transmitter 230 and the user can select one of those switches to control a corresponding appliance.

For the foregoing reasons, Applicant respectfully submits that claim 17 is patentable over Ivie in view of Naughton. Claims 23, 39, 47, 69, 75, 91 and 99 contain limitations similar to claim 17 and are allowable for at least the same reasons as set forth above in urging the allowance of claim 17.

Dependent Claims:

Dependent claims 10, 11, 35-37, 63, 64 and 87-89 were rejected as being unpatentable over Ivie in view of Naughton and further in view of Foster. Claim 10, which depends from claim 1, requires “receiving a user identifier; and determining the ubiquitous devices that the user is authorized to access based on the user identifier.” Claim 11, which depends from claim 10, requires “wherein the user-selectable object representative of the ubiquitous device is transmitted only if the user identifier indicates that the user is authorized to access the ubiquitous device.” Claims 63 and 64 contain limitations similar to claims 10 and 11. The Office Action contends that Foster teaches access authorization.

Foster is directed to a computer programmable remote control in which user selectable screen objects may be created from the computer and transferred to the remote control unit. FIG. 11 of Foster is a screen shot of a “custom” screen object entitled “Dad”. The “Dad” screen object comprises two soft keys. The first key is programmed to turn on the television and cable box and then tune to Dad’s favorite cable channel – ESPN. The second key turns on the stereo receiver and tunes it to Dad’s favorite radio station.

Applicant respectfully submits that this aspect of Foster has nothing to do with user authorization to access ubiquitous devices. In Foster, there is absolutely no mention that users other than Dad are unauthorized to access the television, cable box or stereo. Instead, whoever uses the screen object “Dad” (even if someone other than him), will simply find the cable channel and radio station initially tuned to Dad’s favorites. Thus, contrary to the Office Action, Foster neither teaches nor suggests at least “receiving a user identifier; and determining the ubiquitous devices that the user is authorized to access based on the user identifier”, as required by claim 10, and also clearly does not teach or suggest “wherein the user-selectable

object representative of the ubiquitous device is transmitted only if the user identifier indicates that the user is authorized to access the ubiquitous device, as required by claim 11.

Accordingly, Applicant respectfully submits that claims 10 and 11 are not obvious in view of Ivie, Naughton and Foster.

Claims 36 and 88 require that “the user identifier is an identifier associated with a SIM card.” Claims 37 and 89 require that “the user identifier is a password.” Applicant respectfully submits that neither of these features is taught or suggested by Foster, and thus, these claims are also allowable.

Applicant does not believe it necessary at this time to further address the rejections of the dependent claims as Applicant believes that the foregoing arguments and amendments place the independent claims in condition for allowance. Applicant, however, reserves the right to address those rejections in the future should such a response be deemed necessary and appropriate.

New Claim:

New claim 105 is presented herein for examination. Applicant respectfully submits that the subject matter of claim 105 is neither anticipated by, nor obvious in view of, the prior art of record.

For the above-stated reasons, this application is respectfully asserted to be in condition for allowance, and an early and favorable examination on the merits is respectfully requested.

AUTHORIZATION

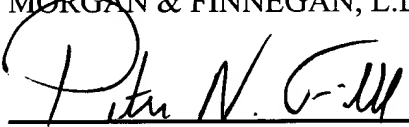
The Commissioner is hereby authorized to charge any additional fees which may be required by this response, or credit any overpayment to Deposit Account No. 13-4500, Order No. 4208-4001. A DUPLICATE COPY OF THIS PAPER IS ATTACHED.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4500, Order No. 4208-4001. A DUPLICATE COPY OF THIS PAPER IS ATTACHED.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: March 10, 2004

By:


Peter N. Fill
Registration No. 38,876

Correspondence Address:

MORGAN & FINNEGAN, L.L.P.
345 Park Avenue
New York, NY 10154-0053
(212) 758-4800 Telephone
(212) 751-6849 Facsimile